

**BEFORE THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

DOCKET NO. 2020-125-E

Application of Dominion Energy	)	<u>UNITED STATES DEPARTMENT</u>
South Carolina, Inc. for Adjustment of	)	<u>OF DEFENSE AND ALL OTHER</u>
Rates and Charges (See Commission	)	<u>FEDERAL EXECUTIVE</u>
Order No. 2020-13)	)	<u>AGENCIES' JOINDER TO THE</u>
	)	<u>OFFICE OF REGULATORY</u>
	)	<u>STAFF'S MOTION FOR PARTIAL</u>
	)	<u>SUMMARY JUDGMENT</u>
	)	<u>REGARDING PROPOSED</u>
	)	<u>AMENDMENTS TO SECTION V OF</u>
	)	<u>DESC'S GENERAL TERMS AND</u>
	)	<u>CONDITIONS</u>

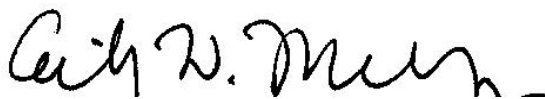
On November 16, 2020, the South Carolina Office of Regulatory Staff ("ORS") filed a Motion for Partial Summary Judgment pursuant to S.C. Code Regs. § 103-829 and South Carolina Rule of Civil Procedure 56 asserting it is entitled to a ruling as a matter of law that DESC's proposed amendments to Section V of its General Terms and Conditions are unlawful and cannot be approved. The United States Department of Defense and all other Federal Executive Agencies' (DOD-FEA) hereby joins ORS's Motion for Partial Summary Judgment.

DOD-FEA has military installations and other federal agencies within DESC's service territory. These federal customers are subject to the Antideficiency Act as set forth in 31 U.S.C. § 1341 whereby they are prohibited from (1) authorizing an obligation exceeding an amount available in an appropriation or fund for the obligation, and (2) involve the government in an obligation for the payment of money before an appropriation is made. By entering into an agreement to indemnify where the amount of the government's

liability is indefinite or unlimited and for an undefined time, such as the one proposed by DESC in Section V of its General Terms and Conditions, the federal agency has exposed itself to liability in excess of an appropriation and before an appropriation is made. Those federal customers taking electric service subject to DESC's proposed indemnification provision would be in violation of the Antideficiency Act. As such, DESC's proposed amendments to Section V of its General Terms and Conditions are prohibited as a matter of law.

Under South Carolina Rule of Civil Procedure 56, summary judgment is appropriate when the movant shows that there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. In this case, there is no genuine dispute of material fact, and, therefore, DOD-FEA respectfully requests that the Commission grant the motions for partial summary judgment and deny DESC's proposed revisions to Section V of its General Terms and Conditions.

Respectfully submitted,



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